

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 27, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:36 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of August 20, 2001, reported having done so, found same correct.

Seconded by Camp carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

APP. OF BEACON LOUNGE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING APPROX. 41' BY 76' IN THE LOT SOUTH OF THE COLLEGE OF HAIR DESIGN AT 11TH & M ST. ON SEPT. 1, 2001, FROM 9:00 A.M. TO 12:00 P.M.;

APP. OF BEACON LOUNGE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING APPROX. 41' BY 76' IN THE LOT SOUTH OF THE COLLEGE OF HAIR DESIGN AT 11TH & M ST. ON SEPT. 8, 2001, FROM 9:00 A.M. TO 12:00 P.M.;

APP. OF BEACON LOUNGE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING APPROX. 41' BY 76' IN THE LOT SOUTH OF THE COLLEGE OF HAIR DESIGN AT 11TH & M ST. ON SEPT. 15, 2001, FROM 9:00 A.M. TO 12:00 P.M. - Gary Bohaty, 5429 Cleveland Ave., came forward in favor, and to ask questions posed by Council members.

Chief Casady came forward to answer questions posed by the Council members. He explained the reasons for denial by the Police Dept. After the large number of requests for special designated licenses on a home football games, we discussed internally what our position ought to be on those, since they were coming in such large numbers. We decided that good criteria for us to use in making our recommendation to you would be the following: Is the property adjacent to an existing license, in other words is it contiguous? Does it front a street, and if it fronts a street, is there some kind of visual barrier, such as an opaque fence or wall. In this case this doesn't have a barrier of that type. It would be a temporary barrier, similar to the ones you see at Barry's for example, a snow fence. It does front a street and it is not adjacent to the applicant's licenced premise, so we recommended against it.

Simera Reynolds, State Executive Director of Mothers Against Drunk Driving, came forward in opposition to the 3 applications for Beacon Lounge.

Richard Halverson, 6311 Inverness Street, came forward in favor of the applications.

This matter was taken under advisement.

MAN. APP. OF CHAD R. MEISTER FOR DHABS L.L.C. DBA BARRYMORE'S AT 124 N. 13TH ST. Chad Meister, 5724 Shadow Pines Ct., came forward and took the oath, to answer questions posed by the council.

This matter was taken under advisement.

MAN. APP. OF ROBERT E. MARSHALL FOR CONCORD NEIGHBORHOOD CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR AT 3730 VILLAGE DRIVE, 6100 O ST., 3951 N. 27TH ST., & 1133 Q ST. - Robert E. Marshall, 4120 Sugar Creek Pl., came forward and took the oath, to answer questions posed by the Council.

Richard Halverson, 6311 Inverness Road, came forward in opposition to a manager handling several locations.

This matter was taken under advisement.

CHANGE OF ZONE 3333 - APP. OF UNION BANK & TRUST FOR A CHANGE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 12TH ST. & W. DENTON RD. - Brian Carstens, 2935 Pine Lake Rd., Ste. H, came forward on behalf of the applicant, Union Bank and Delores Foreman, in favor of the change of zone.

This matter was taken under advisement.

SPECIAL PERMIT 1924 - APP. OF KABREDLO'S FOR AUTHORITY TO SELL ALCOHOLIC

BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT 2305 R ST. - Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing Kabredlo's and presented his case in favor of the special permit.

Ed Patterson, 2108 Q St., President of Malone Neighborhood Association, came forward in opposition.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward in opposition and to answer questions posed by Council.

Dick Patterson, 230 South 39th Street, Woods Park Neighborhood Association, came forward in opposition.

Peggy Struwe, 530 N. 25th Street, President of Hawley Historic Area, came forward in opposition.

Corrie Kielty, 637 N. 24th Street, came forward in opposition.

Marc Wullschleger, 129 N. 10th & Urban Development Director, came forward in opposition.

Chief Police Casady, came forward to answer council questions.

Kathleen Sellman, Director of Planning, came forward to answer council questions.

Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY & THE COUNTY RELATING TO THE LINCOLN AREA AGENCY ON AGING TO ELIMINATE THE LINCOLN-LANCASTER COUNTY COMMISSION ON AGING - Gina Dunning, Director of the Dept. of Aging, came forward in favor of this amendment.

This matter was taken under advisement.

AUTHORIZING MIKE STRETZ DBA SOLID GROUND TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 14TH & O STS. FOR USE AS A SIDEWALK CAFÉ - Mike Stretz, 1101 Meadowdale Dr., came forward in favor and answered council questions.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

MISCELLANEOUS BUSINESS PUBLIC HEARING

Chris McCormack, 7400 Collister Road, came forward requesting permission for the firefighters to be able to solicit funds for the Muscular Dystrophy Association, in the public streets.

Dana Roper, City Attorney, stated he was not aware of any special permit that the council could grant to allow this organization to solicit on public property from vehicles driving by. Discussion among council members suggested that a process would have to be initiated to amend this for another year to enable them to solicit in this manner.

This matter was taken under advisement.

Eric Bedtke, 5311 West Goodland Circle, came forward requesting information about the Olympic Heights area where the City is planning to develop more housing units. He and many of his neighbors bought their property there believing that this park land area was to remain intact.

Lynn Johnson, Parks & Rec came forward to answer council questions and explain the nature of the property in question. Marc Wullschleger, Urban Dev. Director, came forward to explain that the six lots had been sold to a developer. Steve Werthman of Urban Development, explained that these lots were already transferred and that the sale was complete. Council members discussed the issue and suggested that City departments should schedule meetings with the neighbors to discuss the future of the remaining lots.

This matter was taken under advisement.

Ed Patterson, 2108 Q Street, President of Malone Neighborhood Association, came forward to discuss the parking problems that affect the Hawley Historic District, South Salt Creek and the North Bottoms. He suggested that some type of parking ordinance be put in place that helps alleviate problems in these areas. Council members suggested that a meeting should be scheduled with these neighborhoods and city officials to come to a conclusion on this situation.

This matter was taken under advisement.

Laird Haberlan, previous owner of Barrymore's Lounge, came forward to discuss in general, his concerns over the recent discriminating votes

of council in reference to the applicants of Special Designated Liquor licenses.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APP. OF DENIS M. VONTZ DBA PIONEERS GOLF COURSE FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER THE ENTIRE PIONEERS GOLF COURSE AT 3403 W. VAN DORN ST. ON SEPT. 7, 2001 FROM 8:00 A.M. TO 3:30 P.M. - CLERK read the following resolution, introduced by Friendt, who moved its adoption for denial:

A-81054 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Dennis Vontz dba Pioneers Golf Course for a Special Designated License to cover the entire golf course at 3403 West Van Dorn Street, Lincoln, Nebraska, on the 7th day of September, 2001, between the hours of 8:00 a.m. and 3:30 p.m., be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, Svoboda, Werner; NAYS: Cook, McRoy, Seng. None.

APP. OF WINE MERCHANTS FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 25' BY 25' AT THE UNL DENTAL COLLEGE AT 40TH & HOLDREGE STS. ON SEPT. 8, 2001 FROM 2:30 P.M. TO 6:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-81055 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Wine Merchants, Inc. for a Special Designated Permit to cover an area measuring 25 feet by 25 feet at the UNL Dental College at 40th and Holdrege Streets, Lincoln, Nebraska, on the 8th day of September, 2001, between the hours of 2:30 p.m. and 6:30 p.m., be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, Svoboda, Werner; NAYS: Cook, McRoy, Seng.

APP. OF BEACON LOUNGE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING APPROX. 41' BY 76' IN THE LOT SOUTH OF THE COLLEGE OF HAIR DESIGN AT 11TH & M ST. ON SEPT. 1, 2001, FROM 9:00 A.M. TO 12:00 P.M. - CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-81056 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Beacon Lounge for a Special Designated License to cover an area measuring 41 feet by 76 feet in the lot south of College of Hair Design at 11th and M Streets, Lincoln, Nebraska, on the 1st day of September, 2001, between the hours of 9:00 a.m. and 12:00 p.m., be

denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda; NAYS: McRoy, Werner.

APP. OF BEACON LOUNGE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING APPROX. 41' BY 76' IN THE LOT SOUTH OF THE COLLEGE OF HAIR DESIGN AT 11TH & M ST. ON SEPT. 8, 2001, FROM 9:00 A.M. TO 12:00 P.M. -
CLERK

Read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-81057 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Beacon Lounge for a Special Designated License to cover an area measuring 41 feet by 76 feet in the lot south of College of Hair Design at 11th and M Streets, Lincoln, Nebraska, on the 8th day of September, 2001, between the hours of 9:00 a.m. and 12:00 p.m., be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda; NAYS: McRoy, Werner.

APP. OF BEACON LOUNGE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING APPROX. 41' BY 76' IN THE LOT SOUTH OF THE COLLEGE OF HAIR DESIGN AT 11TH & M ST. ON SEPT. 15, 2001, FROM 9:00 A.M. TO 12:00 P.M. -
CLERK

Read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-81058 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Beacon Lounge for a Special Designated License to cover an area measuring 41 feet by 76 feet in the lot south of College of Hair Design at 11th and M Streets, Lincoln, Nebraska, on the 15th day of September, 2001, between the hours of 9:00 a.m. and 12:00 p.m., be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda; NAYS: McRoy, Werner.

MAN. APP. OF CHAD R. MEISTER FOR DHABS L.L.C. DBA BARRYMORE'S AT 124 N. 13TH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81059 WHEREAS, DHABS L.L.C. dba "Barrymore's" located at 124 N. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Chad R. Meister be named manager; WHEREAS, Chad R. Meister appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Chad R.

Meister be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: McRoy.

MAN. APP. OF ROBERT E. MARSHALL FOR CONCORD NEIGHBORHOOD CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR AT 3730 VILLAGE DRIVE, 6100 O ST., 3951 N. 27TH ST., & 1133 Q ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81060 WHEREAS, Concord Neighborhood Corporation dba "Applebee's Neighborhood Grill & Bar" located at 3730 Village Drive, 6100 O Street, 3951 North 27th Street and 1133 Q Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Robert E. Marshall be named manager;

WHEREAS, Robert E. Marshall appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Robert E. Marshall be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APP. OF DESTINY PRODUCTIONS INC. DBA STAR CITY DINNER THEATRE FOR A LIQUOR CATERING LICENSE AT 803 Q ST. - PRIOR to reading, Camp moved to delay action on Star City Dinner Theatre application to 9/10/01, due to manager not appearing before council on this date.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

CHANGE OF ZONE 3333 - APPLICATION OF UNION BANK & TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUG. 1 - 15, 2001 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81061 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 16, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of,

are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED</u>
Shaun P. Fleming	\$4,798.70	Paul Carlson \$325.56
Cathy Schaffer	70.00	
Tess Logan	NAS*	

* No Amount Specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Coleen Seng

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1924 - APP. OF KABREDLO'S FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT 2305 R ST. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption.

Seconded by Svoboda & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner.

The resolution having **LOST**, was assigned File #38-4375 and was placed on file in the Office of the City Clerk.

APPROVING A WAIVER OF DESIGN STANDARDS FOR THE PARKING LOT SURFACING AT ST. DAVID'S EPISCOPAL CHURCH ON PROPERTY GENERALLY LOCATED EAST OF 84TH & HOLDREGE STS. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81062 WHEREAS, St. David's Episcopal Church has requested a waiver of the surfacing requirements for a church parking lot located on property generally located at east of 84th and Holdrege Street and legally described as:

Lot 45, located in the Southeast Quarter of Section 14, Township 10 North, Range 7 East of the of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the City Council finds that:

a) The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit religious institution;

b) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c) The location of the parking lot is sufficient distance from surrounding uses that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

In consideration of the findings made above, the requirement for the paving of the parking lot for St. David's Episcopal Church located at 8800 Holdrege Street on property legally described above is hereby waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1) If it is later found that dust or noise, created by the use of the parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked.

2) This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF DESIGN STANDARDS FOR STREET TREES WITHIN THE FIRST FEDERAL LINCOLN SUBDIVISION ON PROPERTY GENERALLY LOCATED AT S. 13TH & ARAPAHOE STS. - PRIOR to reading:

SENG Moved to **WITHDRAW** Bill No. 01R-231, due to request by the applicant.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The resolution, having been **WITHDRAWN**, was assigned the File #38-4376 & was

placed on file in the Office of the City Clerk.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY & THE COUNTY RELATING TO THE LINCOLN AREA AGENCY ON AGING TO ELIMINATE THE LINCOLN-LANCASTER COUNTY COMMISSION ON AGING - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81063 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have previously entered into an Interlocal Agreement providing for the creation of an Agency known as the Lincoln Area Agency on Aging; and

WHEREAS, said City and County are desirous of amending said Interlocal Agreement to eliminate the Lincoln-Lancaster County Commission on Aging and assign the executive of the Agency to the Office of the Mayor of the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Revised Interlocal Agreement between the City of Lincoln and the County of Lancaster is hereby accepted and approved, and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of the Agreement to the Lancaster County Clerk.

Introduced by Coleen Seng

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AUTHORIZING MIKE STRETZ DBA SOLID GROUND TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 14TH & O STS. FOR USE AS A SIDEWALK CAFÉ - PRIOR to reading:

SENG Moved to amend Bill No. 01R-233, Page 1, Line 18 by substituting:

1. This permit authorizes a maximum seating capacity of 20 within the permit area as shown on this site plan.

And, on Page 4, Line 9 by substituting:

18. square foot of the permit area (392 square feet) for an annual rental of \$98.00 provided,

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81064 WHEREAS, Mike Stretz dba "Solid Ground" has submitted an application for a Sidewalk Café Permit to use a portion of the public right-of-way at the southwest corner of 14th and O Streets as a sidewalk café; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Mike Stretz dba "Solid Ground", hereinafter referred to as "Permittee", to operate a sidewalk café in a portion of the public right-of-way at the southwest corner of 14th and O Streets is hereby approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a maximum seating capacity of ~~30~~ 20 within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

3. The permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier having a minimum height of 36" but not greater than 60" except for necessary pedestrian ingress and egress as shown in the application.

4. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance

with all applicable regulations.

5. Such use is temporary and the Permittee, by the granting of this permit, acquires no right, title, or interest in the space permitted to be used.

6. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

7. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

8. The Permittee shall at all times conduct their use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

9. Such space shall be used for business purposes by Permittee only between the hours of 6:30 a.m. to 12:00 a.m. Monday through Sunday.

10. The Permittee shall comply with all health and sanitation regulations.

11. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

12. Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

13. Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

14. No advertising shall be permitted on or in the sidewalk café except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

15. Any umbrella, canopy, or similar device within the permit area shall be no more than 6½ feet above ground level.

16. The sidewalk café shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

17. The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or elapse of such insurance shall automatically revoke this permit.

18. This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (392 square feet) for an annual rental of \$98.00; provided, however, said rental may be increased for future years by action of the City Council.

19. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REAPPOINTING JON CAMP TO THE PUBLIC BUILDING COMMISSION FOR A 4-YR. TERM EXPIRING AUG. 1, 2005 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81065 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jon Camp to the Public Building Commission for a four-year term expiring August 1, 2005 is hereby approved.

Introduced by Coleen Seng

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REAPPOINTING COLEEN SENG TO THE JOINT BUDGET COMMITTEE FOR A 2-YR. TERM EXPIRING AUG. 31, 2003 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81066 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Coleen Seng to the Joint Budget Committee for a two-year term expiring August 31, 2003 is hereby approved.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING GLENN FRIENDT TO THE RAILROAD TRANSPORTATION SAFETY DIST. FOR A 1-YR. TERM EXPIRING AUG. 31, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81067 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Glenn Friendt to the Railroad Transportation Safety District for a one-year term expiring August 31, 2002 is hereby approved.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REAPPOINTING COLEEN SENG & JONATHAN COOK TO THE RAILROAD TRANSPORTATION SAFETY DIST. FOR 1-YR. TERMS EXPIRING AUG. 31, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81068 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Coleen Seng and Jonathan Cook to the Railroad Transportation Safety District for one-year terms expiring August 31, 2002 is hereby approved.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING SHIRLEY MALY TO THE LINCOLN CITY LIBRARY BOARD OF TRUSTEES FOR A 7-YR. TERM EXPIRING AUG. 31, 2008 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81069 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Shirley Maly to the Lincoln City Library Board of Trustees for a 7-year term expiring August 31, 2008 is hereby approved.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

Setting the hearing date of Monday, September 17, 2001 at 1:30 p.m. for the App. of Wal-Mart Supercenter #1943, for a Class D Liquor License located

at 4700 North 27th Street - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81070 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., September 17, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Wal-Mart Supercenter #1943 for a Class D Liquor License located at 4700 North 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Coleen Seng

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1845 - APP. OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP STONE BRIDGE CREEK COMMUNITY UNIT PLAN FOR 437 DWELLING UNITS & A MODIFICATION OF THE LOT AREA, WIDTH, & SIZE FOR OUTLOTS & SPECIFIED RESIDENTIAL & TOWNHOUSE LOTS IN THE PROPOSED R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED BETWEEN N. 14TH & N. 27TH STS., NORTH OF I-80 & SOUTH OF ALVO & ARBOR ROADS - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81072 WHEREAS, Hampton Development Services has submitted an application designated as Special Permit No. 1845 for authority to develop Stone Bridge Creek Community Unit Plan consisting of 437 dwelling units and a modification of the required lot area on property located between North 14th and North 27th Streets, north of I-80 and south of Alvo and Arbor Roads, and legally described to wit:

A part of Lots 17, 31, 3, 20, and 24, Irregular Tracts, and the West Half of the Northwest Quarter, all in the Northwest Quarter, Northeast Quarter, and the Southwest Quarter of Section 36, Township 11 North, Range 6 East of the 6th P.M., and also a portion of Lot 25 Irregular Tract, in the Southwest Quarter of Section 25, Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more fully described by metes and bounds as follows: Referring to the northwest corner of said Section 36; thence south 89 degrees 28 minutes 59 seconds east (an assumed bearing), a distance of 33.00 feet to a point on the east right-of-way line of North 14th Street and the point of beginning; thence north 00 degrees 05 minutes 24 seconds east on said line, a distance of 60.00 feet; thence south 89 degrees 28 minutes 59 seconds east, a distance of 1161.57 feet to the point of curvature of a curve to the left having a central angle of 06 degrees 04 minutes 33 seconds, a radius of 1615.00 feet, an arc length of 171.26 feet, a chord length of 171.18 feet and a chord bearing north 87 degrees 28 minutes 44 seconds east; thence on said curve a distance of 171.26 feet to the point of tangency; thence south 05 degrees 33 minutes 32 seconds east, a distance of 120.00 feet; thence south 33 degrees 23 minutes 38 seconds east, a distance of 161.63 feet; thence south 01 degrees 45 minutes 09 seconds east, a distance of 103.02 feet; thence south 29 degrees 09 minutes 36 seconds west, a distance of 38.16 feet; thence south 55 degrees 28 minutes 23 seconds west, a distance of 52.18 feet; thence south 00 degrees 21 minutes 14 seconds west, a distance of 453.50 feet to the point of curvature of a curve to the right, having a central angle of 40 degrees 42 minutes 06 seconds, a radius of 150.00 feet, an arc length of 106.56 feet, a chord length of 104.33 feet and a chord bearing south 64 degrees 35 minutes 58 seconds east; thence on said curve, a distance of 106.56 feet to the point of tangency; thence south 44 degrees 14 minutes 58 seconds east, a distance of 955.20 feet to the point of curvature of a curve to the left, having a central angle of 11 degrees 41 minutes 42 seconds, a radius of 1000.00 feet, an arc length of 204.11 feet, a chord length of 203.76 feet and a chord bearing south 50 degrees 05 minutes 48 seconds east; thence on said curve, a distance of 204.11 feet to the point of tangency; thence south 35

degrees 45 minutes 02 seconds west, a distance of 100.26 feet to the point of curvature of a curve to the right having a central angle of 14 degrees 14 minutes 04 seconds, a radius of 1200.00 feet, an arc length of 298.13 feet, a chord length of 297.36 feet and a chord bearing south 42 degrees 52 minutes 04 seconds west; thence on said curve, a distance of 298.13 feet to the point of tangency; thence south 49 degrees 59 minutes 06 seconds west, a distance of 26.92 feet; thence south 40 degrees 00 minutes 54 seconds east, a distance of 458.69 feet; thence south 65 degrees 04 minutes 42 seconds east, a distance of 424.62 feet; thence south 35 degrees 44 minutes 24 seconds west, a distance of 163.06 feet; thence south 29 degrees 32 minutes 55 seconds west, a distance of 11.10 feet; thence south 38 degrees 46 minutes 00 seconds west, a distance of 407.50 feet; thence north 55 degrees 40 minutes 46 seconds west, a distance of 338.45 feet; thence north 89 degrees 49 minutes 22 seconds west, a distance of 787.53 feet; thence south 19 degrees 20 minutes 16 seconds east, a distance of 27.89 feet to the point of curvature of a curve to the right, having a central angle of 36 degrees 36 minutes 59 seconds, a radius of 333.00 feet, an arc length of 212.81 feet, a chord length of 209.21 feet and a chord bearing south 01 degrees 01 minutes 45 seconds east; thence on said curve a distance of 212.81 feet to the point of tangency; thence north 72 degrees 43 minutes 14 seconds west, a distance of 66.00 feet; thence north 89 degrees 47 minutes 10 seconds west, a distance of 1232.29 feet to a point on the east right-of-way line of North 14th Street; thence north 00 degrees 12 minutes 50 seconds east on said line, a distance of 354.28 feet; thence north 00 degrees 21 minutes 14 seconds east, a distance of 2646.75 feet to the point of beginning and containing a calculated area of 131.119 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Hampton Development Services, hereinafter referred to as "Permittee", to develop Stone Bridge Creek Community Unit Plan consisting of 437 dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 437 dwelling units.
2. A waiver of the required lot area, width and size for outlots and specified residential and townhouse lots in the proposed R-3 district is hereby approved.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies which are acceptable to the Planning Director.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this community unit plan must be approved by the City.
4. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
5. All privately owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location

of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn FRIENDT

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF STONE BRIDGE CREEK FOR 315 SINGLE FAMILY LOTS, 80 ATTACHED SINGLE FAMILY LOTS, 1 MULTI-FAMILY LOT, 7 OUTLOTS, 2 INDUSTRIAL LOTS & 2 LARGE LOTS FOR POTENTIAL FUTURE URBAN VILLAGE, WITH A WAIVER OF THE REQUIREMENTS REGARDING THE LOCATION OF SANITARY SEWER MAINS, STREET TREES ALONG I-80, DOUBLE FRONTAGE LOTS, & LOT LINE ANGLES, ON PROPERTY GENERALLY LOCATED BETWEEN N. 14TH & N. 27TH STS., NORTH OF I-80 & SOUTH OF ALVO & ARBOR ROADS - CLERK read the following resolution, which was introduced by Glenn Friendt, who moved its adoption:

A-81073 WHEREAS, Hampton Development Services has submitted the preliminary plat of Stone Bridge Creek for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated June 28, 2001, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of Stone Bridge Creek, located between North 14th and North 27th Streets, north of I-80 and south of Alvo and Arbor Roads as submitted by Hampton Development Services is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of § 26.27.090 of the Lincoln Municipal Code for the planting of streets trees is waived along the I-80 frontage.

2. The requirement of Section 26.23.140 of the Lincoln Municipal Code prohibiting lots with a double frontage is waived for lots along Humphrey Avenue.

3. The requirement of § 26.23.130(a) of the Lincoln Municipal Code is waived to allow block lengths to exceed 1,320 feet.

4. The requirement of § 26.23.140(c) if the Lincoln Municipal Code that side lot lines be at right angles to a street is waived.

5. The requirement of § 26.23.125 of the Lincoln Municipal Code which requires pedestrian way easements is waived where block lengths exceed 1,000 feet.

6. The requirement of § 27.51.090(a) of the Lincoln Municipal Code is waived to allow the front and side yard setbacks along I-80 from 50 feet to 40 feet at a point shown on the plan and along Outlot D from 50 feet to 20 feet.

7. The requirement of § 27.15.080(a) for lot area, width, and size is waived for outlots and specified residential and townhouse lots in the proposed R-3 district.

8. An exception to the design standards to allow sanitary sewer mains to be constructed outside the natural drainage area is approved.

9. An exception to the design standards to allow sanitary sewer mains to be constructed opposite street grades is approved.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT 139 - APP. OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP 500,500 SQ. FT. OF INDUSTRIAL & OFFICE SPACE, WITH REDUCTION OF THE FRONT & SIDE

YARDS, ON PROPERTY GENERALLY LOCATED BETWEEN N. 14TH & N. 27TH STS., NORTH OF I-80 & SOUTH OF ALVO & ARBOR ROADS - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81074 WHEREAS, Hampton Development Services has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 139 for authority to develop 500,500 sq. ft. of industrial and office space on property generally located between North 14th and North 27th Streets, north of I-80 and south of Alvo and Arbor Roads, and legally described to wit:

A part of Lots 17, 31, 3, and 20, Irregular Tracts, all in the Northwest Quarter and the Northeast Quarter of Section 36, Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more fully described by metes and bounds as follows:

Referring to the northwest corner of said Section 36; thence south 89 degrees 28 minutes 59 seconds east (an assumed bearing) on the north line of the Northwest Quarter, a distance of 2645.59 feet; thence south 89 degrees 31 minutes 31 seconds east, on the north line of the Northeast Quarter, a distance of 905.39 feet to the point of beginning; thence continuing south 89 degrees 31 minutes 31 seconds east, a distance of 997.08 feet, to a point on the westerly right-of-way line of Interstate 80; thence south 28 degrees 16 minutes 49 seconds west, on said line, a distance of 495.92 feet; thence south 39 degrees 44 minutes 14 seconds west on said line, a distance of 395.97 feet; thence south 42 degrees 30 minutes 33 seconds west on said line, a distance of 774.29 feet; thence south 89 degrees 33 minutes 37 seconds east on said line, a distance of 73.98 feet; thence south 50 degrees 54 minutes 23 seconds west, a distance of 146.20 feet; thence south 35 degrees 44 minutes 24 seconds west on said line, a distance of 1325.67 feet; thence north 65 degrees 04 minutes 42 seconds west, a distance of 424.62 feet; thence north 40 degrees 00 minutes 54 seconds west, a distance of 422.69 feet; thence north 49 degrees 59 minutes 06 seconds east, a distance of 26.92 feet to the point of curvature of a curve to the left, having a central angle of 14 degrees 14 minutes 04 seconds, a radius of 1236.00 feet, an arc length of 307.07 feet, a chord length of 306.28 feet and a chord bearing north 42 degrees 52 minutes 04 seconds east; thence on said curve, a distance of 307.07 feet to the point of tangency; thence north 35 degrees 45 minutes 02 seconds east, a distance of 2153.48 feet to the point of beginning and containing a calculated area of 52.700 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this development of industrial and office space will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Hampton Development Services, hereinafter referred to as "Permittee", to develop 500,500 sq. ft. of industrial and office space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said industrial and office space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 500,500 square feet of industrial and office floor area, of which no more than 30% of the floor area may be used for office space.
 - b. A reduction of the front yard setbacks along Interstate 80 from 50 feet to 40 feet at a point shown on the plan, and a reduction of side yard setbacks along the property line with Outlot D from 50 feet to

- 20 feet.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan acceptable to the Planning Director, including five copies .
 - b. The construction plans must conform to the approved plans.
 3. Before occupying the industrial and office space, all development and construction must be completed in conformance with the approved plans.
 4. All privately owned improvement must be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.
 5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
 7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
 8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY & STONEBRIDGE CREEK L.L.C. OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROX. 251.07 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN INTERSTATE 80 & ARBOR RD. EAST OF N. 14TH ST - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81075 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Stonebridge Creek Conditional Annexation and Zoning Agreement (Annexation Agreement), which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Stonebridge Creek L.L.C., (Owner) outlining certain conditions and understandings between the City and said Owner relating to the annexation of land generally located between Interstate 80 and Arbor Road east of North 14th Street is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1733B - APP. OF PARK RIDGE APARTMENTS, L.L.C. TO DEVELOP MUFF 2ND ADD. COMMUNITY UNIT PLAN FOR AN ADDITIONAL 83 DWELLING UNITS, WITH A REDUCTION OF THE REQUIRED LOT AREA, ON PROPERTY GENERALLY LOCATED AT S.W. 8TH & W. "C" STS. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81076 WHEREAS, Park Ridge Apartments, L.L.C., has submitted an application designated as Special Permit No. 1733B for authority to amend the Muff and Muff 1st Addition Community Unit Plan to increase the number of dwelling units from 83 to 166, and to reduce the required lot area on two-family lots within the Muff 2nd Addition Preliminary Plat from 5,000 to 4,500 square feet per family, on property generally located at SW 8th and West "C" Streets, and legally described to wit:

Lots 105 and 74 of Irregular Tracts, Blocks 1 and 2 in Muff 4th Addition, Blocks 1 and 2, and Outlots A and B in Muff 3rd Addition, Blocks 1 and 2, Muff 2nd Addition, Block 1, Muff 1st Addition, Blocks 1, 2, and 3 and Outlot A in Muff Addition, all located in the Southwest Quarter of Section 27, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 10 North, Range 6 East, thence on an assumed bearing of north 89 degrees 53 minutes 59 seconds east on the north line of Lot 105 of Irregular Tracts for a distance of 671.99 feet; thence south 00 degrees 05 minutes 50 seconds west on the east line of said Lot 105, for a distance of 594.93 feet; thence south 89 degrees 55 minutes 12 seconds west for a distance of 2.69 feet; thence south 00 degrees 23 minutes 52 seconds east for a distance of 54.52 feet; thence south 89 degrees 55 minutes 12 seconds west for a distance of 30.25 feet; thence south 00 degrees 23 minutes 52 seconds east for a distance of 36.25 feet to the southeast corner of Lot 74 of Irregular Tracts; thence south 00 degrees 15 minutes 23 seconds east on the east line of Blocks 1 and 3 in Muff Addition for a distance of 315.82 feet; thence south 00 degrees 30 minutes 22 seconds east and continuing on the east line of said Block 3 for a distance of 159.72 feet to the southeast corner of Lot 7 in said Block 3; thence south 89 degrees 58 minutes 54 seconds west on the south line of Blocks 2 and 3 in Muff Addition and on the south line of Block 2 in Muff 3rd Addition and on the south line of Block 2 in Muff 2nd Addition for a distance of 632.08 feet to a point on the centerline of Trimble Street; thence south 00 degrees 53 minutes 04 seconds east on the centerline of Trimble Street for a distance of 140.83 feet; thence north 90 degrees 00 minutes 00 seconds west on the south line of Block 1 in Muff 2nd Addition extended for a distance of 175.74 feet to the southwest corner of Block 1 in Muff 2nd Addition; thence north 00 degrees 30 minutes 46 seconds west on the west line of Block 1 Muff 2nd Addition and on the west line of Blocks 1 and 2 in Muff 4th Addition for a distance of 1300.86 feet to the northwest corner of Block 1 in Muff 4th Addition; thence north 89 degrees 53 minutes 59 seconds east on the north line of Block 1 in Muff 4th Addition for a distance of 175.80 feet to the point of beginning. Said property contains 22.628 acres more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this revised community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Park Ridge Apartments, L.L.C., hereinafter referred to as "Permittee", increase the number of dwelling units from 83 to 166 and to reduce the required lot are on the two-family lots, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an additional 83 dwelling units within the Muff and Muff 1st Addition Community Unit Plan for a total of 166 dwelling units, and a reduction in the required lot area on two-family lots within the Muff 2nd Addition Preliminary Plat from 5,000 square feet per family to 4,500 square feet per family.

2. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan and five copies to the Planning Department.

- b. The construction plans must conform to the approved plans.
 - c. The final plat within this community unit plan must be approved by the City.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
 4. All privately owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
 5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
 8. The site plan as approved with this resolution voids and supersedes all previously approved plans for this site, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF MUFF 2ND ADD. FOR 12 LOTS ON PROPERTY GENERALLY LOCATED AT S.W. 8TH & W. "C" STS. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption: A-81077 WHEREAS, **Park Ridge Apartments L.L.C.** has submitted the preliminary plat of **MUFF 2ND ADDITION** for acceptance and approval; and WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated June 28, 2001, which is attached hereto as Exhibit "A". NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **MUFF 2ND ADDITION**, located in the general vicinity of SW 8th and West "C" Streets, as submitted by **Park Ridge Apartments L.L.C.** is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

Introduced by Glenn Friendt

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PETITIONS AND COMMUNICATIONS

THE FOLLOWING APPS. WERE REFERRED TO PLANNING DEPT.:

Special Permit 1928 - App. of Ross Engineering to develop a Community Unit Plan consisting of 156 multi-family housing units at North 1st & Charleston Streets.

Special Permit 1927 - App. of Cricket Nebraska Property Co. to co-locate on a monopole at 600 Fletcher Ave.

PETITION TO VACATE ALL STREET AND ALLEY RIGHT-OF-WAYS ADJACENT TO BLOCKS 13 THROUGH 20 AND BLOCKS 37 THROUGH 40, HAWTHORNE ADDITION, LYING BETWEEN THE NORTH LINE OF SOUTH STREET AND SOUTH OF LOT 39 I.T. LOCATED IN SECTION 33, T. 10 N., R. 6 E., AND BETWEEN THE WEST LINE OF WESTBROOK ADDITION AND EAST LINE OF S.W. 27TH STREET EXCEPT THE WEST 55.5 FEET OF THE EAST-WEST ALLEY IN BLOCK 37, SUBMITTED BY HARTLAND HOMES, INC. - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON AUGUST 13, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

INVESTMENT OF FUNDS FOR AUGUST 13 THROUGH AUGUST 17, 2001 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption: A-81071 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments for August 13 - August 17, 2001.)

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM OCC. TAX FOR THE 1ST QUARTER OF 2001 AS FOLLOWS: Amerivision Communications, Inc.; FOR THE MONTH OF JULY: NPCR, Inc. dba Nextel; Vartec; Network Billing Systems, LLC; Touch America Services, Inc.; Qwest Communications, Corp.; Teligent Services, Inc.; Working Assets Funding Service, Inc.; Atlas Communications, Ltd.; D&D Communications; Primus Telecommunications, Inc.; LCI International Telecom Corp.; Trans National Communications International, Inc.; and One Call Communications, Inc.; TracFone Wireless, Inc.; ATT Wireless PCS, LLC; NOSVA Limited Partnership; GTC Telecom; Glyphics Communications, Inc.; Globalcom, Inc.; Comdata Telecommunications Services, Inc.; Incomnet Communications Corp.; Lightyear Communications, Inc.; Tri-M Communications, Inc.; RAL COM USA, Inc.; XO Long Distance Services, Inc.; Western Union Communications, Inc.; Affinity Network, Inc.; Single Billing Services, Inc.; and NOS Communications, Inc. - CLERK presented said reports which were placed on file in the Office of the City Clerk. **(20)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JULY, 2001 FROM UTILICORP UNITED - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

ORDINANCES - 1ST READING

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,000,000 CITY OF LINCOLN, NEBRASKA PARKING REVENUE BONDS, SERIES 2001 - CLERK read an ordinance, introduced by Coleen Seng, authorizing the issuance of not to exceed \$7,000,000 City of Lincoln, Nebraska parking revenue bonds, series 2001, the first time.

ORDINANCES - 3RD READING

AMENDING SECTION 2.62.200 OF THE LINCOLN MUNICIPAL CODE TO ALLOW MEMBERS OF THE POLICE AND FIRE PENSION PLANS "B" AND "C" TO SWITCH TO PLAN "A" WITHIN SIX MONTHS AFTER DEFERRED RETIREMENT OPTION PLAN IMPLEMENTATION - PRIOR to reading, CAMP moved to delay action on Bill 01-132 for two weeks to 9/10/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Section 2.62.200 of the Lincoln Municipal Code to provide members of Police and Fire Pension Plans "B" and "C" the opportunity to elect to participate in Police and Fire Pension Plan "A" subsequent to the implementation of the Deferred Retirement Option Plan, and repealing Section 2.62.200 of the Lincoln Municipal Code as hitherto existing, the third time.

AMENDING SECTION 10.16.030 OF THE LINCOLN MUNICIPAL CODE WITH REGARD TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL TO BRING THE LEVEL OF ALCOHOL IN BLOOD OR BREATH INTO COMPLIANCE WITH STATE

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STATUTE -CLERK read an ordinance, introduced by Jonathan Cook, amending Section 10.16.030 of the Lincoln Municipal Code to bring the level of alcohol in blood or breath into compliance with state statute; and repealing Section 10.16.130 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **17905**, is recorded in Ordinance Book 24, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 251 ACRES OF PROPERTY GENERALLY LOCATED BETWEEN NORTH 14TH AND NORTH 27TH STREETS, NORTH OF I-80 AND SOUTH OF ALVO AND ARBOR ROADS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 20 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17870, passed June 25, 2001, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 20 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17870, passed June 25, 2001, as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **17906**, is recorded in Ordinance Book

CHANGE OF ZONE 3325 - AMENDING CHAPTER 27.51 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DEVELOPMENT OF A MINIMUM OF 50 ACRES INSTEAD OF 75 ACRES IN THE I-3 EMPLOYMENT CENTER DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, amending Sections 27.51.030, 27.51.090, and 27.51.100 of the Lincoln Municipal Code to allow development of a minimum of 50 acres instead of 75 acres in the I-3 Employment Center District; and repealing Sections 27.51.030, 27.51.090, and 27.51.100 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **17907**, is recorded in Ordinance Book

CHANGE OF ZONE 3265 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO I-3 EMPLOYMENT CENTER AND R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED BETWEEN NORTH 14TH and NORTH 27TH STREETS, NORTH OF I-80 and SOUTH OF ALVO AND ARBOR ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.012 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **17908**, is recorded in Ordinance Book

CHANGE OF ZONE 3323 - APPLICATION OF PARK RIDGE APARTMENTS, L.L.C. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 8TH AND WEST C STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **17909**, is recorded in Ordinance Book

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on
 September 10, 2001.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

5:30 p.m.

CAMP Moved to adjourn the City Council Meeting of August 27, 2001.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Seng.
 So ordered.

Joan E. Ross, Deputy City Clerk

Glenna Graupmann, Office Assistant III

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